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Chairman:	Mr. KUKAN	(Slovakia)
later:	Mr. VAN DER HEIJDEN (Vice-Chairman)	(Netherlands)
later:	Mr. KUKAN	(Slovakia)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (A/48/40, A/48/44 and Add.1, A/48/280, A/48/471, A/48/507, A/48/508, A/48/520, A/48/556, A/48/560)

Introductory statement and general discussion

1. Mr. HOUSHMAND (Director, Implementation of International Instruments and Procedures Branch, Centre for Human Rights) said the Declaration and Programme of Action adopted by the World Conference on Human Rights set as one of its most important objectives in the years to come the universal ratification of the basic international human rights instruments. Currently, although the number of States which had accepted certain human rights treaties was much higher than expected, the number of States which had accepted other treaties was still not satisfactory. In total, however, there had been a constant increase, year after year, in the number of States which had acceded to the United Nations human rights treaties. Currently, 172 States had become parties to one or more of the seven principal human rights instruments.

2. As for the status of the two Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, which was reviewed in the report of the Secretary-General (A/48/507), it might be noted that as of 1 November 1993, 126 States had ratified or acceded to the International Covenant on Economic, Social, and Cultural Rights, that 124 States had ratified or acceded to the International Covenant on Civil and Political Rights, that 74 States had ratified or acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights and that 20 States had ratified or acceded to the Second Optional Protocol to the same Covenant. It was also interesting to note that since 1992, eight additional States had become parties to the two Covenants and to the First Optional Protocol to the International Covenant on Civil and Political Rights. That constituted the highest annual rate of accession to the Covenants and Protocols in the past decade.

3. He then reviewed the work of the monitoring bodies of four of the basic human rights instruments: the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture and the Committee on the Rights of the Child.

4. During its forty-sixth, forty-seventh and forty-eighth sessions, the Human Rights Committee had considered 14 reports submitted to it by States parties to the Covenants on Human Rights and the special reports on events affecting human rights in respect of persons coming under the jurisdiction of the Governments of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). Furthermore, the Human Rights Committee had taken a significant step forward with regard to its method of reviewing the reports of States parties by considering that all the people within the territory of a former State party to the International Covenant on Civil and Political Rights remained entitled to the protection and guarantees of that

(Mr. Houshmand)

Covenant, which meant that new States emerging from former States parties remained bound by the obligations flowing from the Covenant as from the date of their independence. Additionally, the Committee had adopted final views on 21 cases submitted to it under the Optional Protocol and considered another 16 cases which it had declared inadmissible.

5. During the three aforementioned sessions, the Committee had also adopted a general comment on article 18 of the International Covenant on Civil and Political Rights concerning the right to freedom of thought, conscience and religion; it had made substantive progress in its consideration of a draft general comment regarding the right to political participation, had begun the elaboration of a draft general comment relating to the rights of persons belonging to ethnic, religious and linguistic minorities under article 27 of the Covenant and had dealt with issues relating to reservations made by States parties to the Covenant and its Optional Protocol.

6. In addition to its seventh annual session, held in November-December 1992, the Committee on Economic, Social and Cultural Rights held an extraordinary session, on an exceptional basis, in May 1993, to deal with the backlog in consideration of the reports of States parties to the International Covenant on Economic, Social and Cultural Rights. It had continued to formulate concluding observations on the performance of States parties in implementing the Covenant during consideration of their reports, and during its two most recent sessions had continued elaborating general comments with respect to the application of economic, social and cultural rights representing emerging jurisprudence with respect to that question. It had then held an exchange of views on the question of drafting an optional protocol to the Covenant which would permit the submission of communications pertaining to some or all of the rights recognized in that instrument. The Committee considered that the draft protocol would improve implementation of the Covenant, strengthen the dialogue with States parties and make it possible to focus public attention more closely on economic, social and cultural rights. The Committee's views on that issue could be found in the report on its seventh session. The World Conference on Human Rights had been of the same opinion as the Committee, since it had encouraged the Commission on Human Rights to continue the examination of possible optional protocols, in cooperation with the Committee on Economic, Social and Cultural Rights.

7. At its ninth and tenth sessions, held at Geneva in November 1992 and April 1993 respectively, the Committee against Torture had considered the reports of 16 States parties on the application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It had also continued its work relating to confidential inquiries under article 20 of the Convention and considered four communications under article 22 of the Convention. In addition, it had considered other questions such as strengthening its cooperation and coordination of its activity with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, the possible establishment of an optional protocol to the Convention and the Committee's contribution to, and participation in, the World Conference on Human Rights.

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8. In accordance with article 17 of the Convention against Torture, the fourth meeting of States parties to the Convention would be held on 24 November 1993 at Geneva. At that meeting, the States parties would elect five members of the Committee to replace those whose terms were due to expire on 31 December 1993 and would consider matters relating to their financial responsibilities under the Convention. In that connection, he wished to recall that the amendments to the Convention concerning its financing would enter into force when they were adopted by two thirds of the States which had been parties to the Convention when the amendments were adopted, in other words by 45 out of the 68 States parties. As of 20 October 1993, however, only seven States parties had notified the Secretary-General that they had accepted the amendments.

9. The Committee on the Rights of the Child, which was responsible for ensuring effective application of the Convention on the Rights of the Child, had held its third and fourth sessions in January 1993 and September-October 1993, respectively, at Geneva. At those two sessions, each preceded by a pre-sessional working group where a preliminary review of reports submitted by States parties had been conducted, the Committee had considered reports submitted by 11 States parties.

10. At its third session, the Committee had adopted a number of measures as a follow-up to its day of general discussion devoted to the topic of "children in armed conflicts". It had recommended, inter alia, that the General Assembly should request the Secretary-General to undertake a study on ways and means of improving the protection of children from the adverse effects of armed conflicts. The recommendation had been endorsed in the Vienna Declaration and Programme of Action (A/48/280, para. 50).

11. At its fourth session, the Committee had considered ways to avoid building up a backlog in the consideration of the reports of States parties. In that connection, it had decided to convene a special session in 1994, to be preceded by a meeting of its pre-sessional working group. In addition, responding to a recommendation addressed to it in the Vienna Declaration and Programme of Action, the Committee had requested the Secretary-General to transmit to the Commission on Human Rights, at its next session, the preliminary draft of an optional protocol, elaborated by the Committee, on the question of raising the minimum age of recruitment into armed forces. At the same session, the Committee had also devoted one day to a general discussion on the economic exploitation of children. In addition, the Committee, in collaboration with UNICEF, had organized an informal regional meeting at Bangkok in May 1993 to promote greater awareness of the principles and provisions of the Convention on the Rights of the Child and to acquire a better understanding of problems affecting the rights of children at the regional level. Another regional meeting of that type had been scheduled for 1994, in Africa.

12. He recalled that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was the subject of a report of the Secretary-General (A/48/471), would enter into force three months after the deposit with the Secretary-General of the twentieth instrument of ratification or accession. Currently, only two States, namely

Egypt and Morocco, had ratified or acceded to the Convention, and two other States, namely Chile and Mexico, had signed but not yet ratified it.

13. Turning to the question of the effective implementation of international instruments on human rights, he drew attention to the following documents: (a) a report of the Secretary-General examining the conclusions and recommendations of the fourth meeting of persons chairing the human rights treaty bodies (A/48/508); (b) a report of the Secretary-General on financing and adequate staff resources for the operations of the human rights treaty bodies (A/48/560); and (c) a note by the Secretary-General transmitting the interim report on the updated study by the independent expert on possible long-term approaches to enhancing the effective operation of existing bodies established under United Nations instruments on human rights (A/48/556).

14. The World Conference on Human Rights had welcomed the progress made in the codification of human rights standards and had strongly recommended that a concerted effort be made to encourage and facilitate accession to human rights instruments, with a view to achieving their universal acceptance. In recent years, more and more States had acceded to those instruments, but many had not yet become parties, including a number of successor States of former States which had been parties to those instruments.

15. Accession to international human rights treaties was, of course, only the first step in the implementation of the rules and standards contained in those instruments, which was why the treaty bodies responsible for ensuring their effective implementation were so crucial. The treaty bodies had been increasingly coordinating their activities and the system they formed had become a cornerstone of the United Nations human rights programme. Therefore, it was imperative that the treaty bodies received the support necessary to monitor and facilitate the implementation, by all States parties, of the standards of the treaties for which they were responsible.

16. The chairpersons or representatives of the international human rights treaty bodies had participated actively in the preparations for the World Conference on Human Rights and had adopted a declaration, the text of which was contained in document A/CONF.157/TBB/4. Their biennial meetings had become among the most dynamic and innovative forums to consider human rights, as was demonstrated by the fact that some of the conclusions adopted at their fourth meeting, held in October 1992, had already been echoed in resolutions of the General Assembly and of the Commission on Human Rights.

17. Lastly, he drew attention to the interim report on the updated study of the independent expert on possible long-term approaches to enhancing the effective operation of bodies established under United Nations instruments on human rights, in so far as the conclusions and recommendations contained in that report represented a valuable contribution to the search for creative and effective solutions to many of the challenges facing the United Nations treaty bodies and the United Nations human rights programme as a whole.

18. Mr. VAN DE CRAEN (Belgium), speaking on behalf of the European Union, noted that all of the participants in the World Conference on Human Rights held at Vienna in 1993 had solemnly reaffirmed that the universal nature of human rights was beyond question and that the promotion and protection of those rights and of fundamental freedoms were a priority objective of the United Nations.

19. While the States members of the European Union welcomed the increasing number of States parties to human rights covenants and treaties, they regretted that some States Members of the United Nations had not yet acceded to those instruments, as they believed that the noble objective of universality would not be reached unless all countries acceded fully to the principles and standards contained in them. Consequently, the European Union attached particular importance to opening a dialogue, as recommended by the World Conference on Human Rights, between States and the Secretary-General which would provide an opportunity to identify and overcome the obstacles preventing the accession of States Members of the United Nations to international covenants, conventions and treaties.

20. With regard to the lodging of reservations to international instruments, the European Union appealed to all States to avoid, as far as possible, resorting to that practice. It encouraged States to consider limiting the extent of any reservations they lodged, to formulate them as precisely and narrowly as possible and to ensure that no reservation was incompatible with the object and purpose of the relevant treaty. In addition, it asked that each State review any reservations it might have lodged at the time of its accession with a view to withdrawing them. It believed that the human rights treaty bodies had a role to play in that regard and that they should, when considering the report of a State party, initiate a dialogue with that State to encourage it to withdraw progressively any reservations it had lodged.

21. Education and information contributed significantly to the promotion and protection of the universality of human rights, as the World Conference on Human Rights had solemnly reaffirmed. The treaty monitoring bodies could be useful in that respect, since they had the opportunity, within the framework of their dialogue with States, to review the action of States, to strive to convince them to give the subject of the human rights its rightful place in educational programmes and to encourage them to publish and distribute, at the national level, the reports they submitted to the treaty bodies on a periodic basis.

22. In recent years, the United Nations had adopted three new human rights instruments: the Second Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of the Child. In that regard, the European Union believed that the proliferation of human rights standards could have a negative effect on the effectiveness of existing instruments by weakening the universal principles contained in them. Accordingly, it believed there was a need to limit the number of new instruments in fields where there was already a widespread consensus in the international community and to keep in mind the guidelines contained in General Assembly resolution 41/120 relating to the setting of international standards when drafting new instruments.

(Mr. Van De Craen, Belgium)

23. As the World Conference had proclaimed, the promotion and protection of human rights and fundamental freedoms was essentially the responsibility of Governments. However, the European Union reaffirmed the great importance it attached to the proper functioning of the treaty monitoring bodies - the chosen partners of States in the sometimes difficult and complex but indispensable task of honouring commitments undertaken - and encouraged States to cooperate fully with them. Above all, States must make an effort to draft their reports correctly and to submit them within the prescribed deadlines. The total number of reports overdue for the different treaties was now approximately 1,000. In view of that regrettable situation, the European Union appealed to States parties to fulfil their treaty obligations and report regularly on their compliance.

24. States must also do their utmost to prepare full reports and provide detailed answers to the experts' questions. In that connection, the European Union encouraged countries to enlist the services of the monitoring bodies and the Centre for Human Rights, whose purpose was to provide assistance and advice.

25. Satisfactory cooperation between the monitoring bodies and States also required adequate financial resources for the bodies in question. The European Union therefore encouraged States parties to inform the Secretariat promptly as to whether they accepted the idea that the bodies responsible for monitoring the two conventions to which he had referred earlier should be financed from the Organization's regular budget, so as to ensure a reliable source of funding. However, a sound financial situation would not in itself be enough to guarantee the effective operation of such bodies. As Mr. Alston had indicated in his interim report (A/CONF.157/PC.62/Add.11/Rev.1), the entire United Nations human rights regime must be reviewed and reformed. The European Union encouraged Mr. Alston to complete his study and submit it to the Commission on Human Rights at its fiftieth session. In the meantime, the European Union requested the Secretary-General to ensure that the Centre for Human Rights gave the treaty bodies all the necessary assistance, which of course meant that the Centre must also be provided with the necessary human and financial resources.

26. The European Union welcomed the growing number of countries acceding to the first Optional Protocol to the International Covenant on Civil and Political Rights, but remained concerned at the backlog of communications concerning civil and political rights submitted by individuals (141 cases pending). It therefore believed that the Human Rights Committee should be authorized to hold an extended session in 1994, as requested by the Human Rights Committee, and that secretariat servicing should be strengthened accordingly. At the same time, it called on the Human Rights Committee to continue adjusting its working methods so as to be able to respond to the increasing number of communications it received. The European Union considered it most regrettable that the Office of Conference Services would no longer be able to provide summary record coverage of Human Rights Committee meetings. As to the follow-up which States should be giving to Human Rights Committee recommendations - a key element in implementing the International Covenant on Civil and Political Rights - the European Union looked forward to hearing the Human Rights Committee's proposals in that connection.

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27. With regard to children in armed conflicts, the European Union supported the request by the Committee on the Rights of the Child that the Secretary-General should take the necessary steps for conducting a study on ways and means of improving the protection of such children. It urged States, United Nations bodies and organizations, the relevant non-governmental organizations and the International Committee of the Red Cross to provide input to the study.

28. The United Nations human rights regime was the result of 45 years of tireless efforts by the international community. It was the duty of all concerned to constantly improve performance in the area by ensuring better coordination of activities and appropriate conditions for the more effective promotion and protection of human rights, better dissemination of information and more suitable education on the subject. Such tasks might be entrusted to the future High Commissioner for Human Rights, a proposal which the European Union intended to take up in more detail at a later date.

29. Mr. van der Heijden (Netherlands), Vice-Chairman, took the Chair.

30. Mr. LAVIÑA (Philippines) said that his country had contributed to the drafting of the various human rights instruments, that it had signed and ratified most of them and incorporated them in its Constitution, and that on the whole it had assiduously complied with the obligations undertaken in that connection.

31. However, the Philippines was not content with the mere incorporation of universal human rights principles in its national legislation. The country was governed in conformity with the imperatives of universality, guarantees and democratization, as borne out by the "Bill of Rights", written into the Constitution, which guaranteed equal rights for all persons irrespective of sex, language, religion or ethnic origin and under the protection of the rule of law. Likewise, an independent Commission on Human Rights and a separate judicial system, as well as efforts to build democracy enabling all Filipinos to participate more actively in public life since 1992, proved that those principles were upheld.

32. On the basis of national experience, the Philippines had contributed to the promotion of human rights at bilateral and regional levels and in the competent bodies of the United Nations. In that connection, the Philippine delegation called for wider dissemination, particularly at universities and other teaching establishments, of the work A Compilation of International Instruments published by the Centre for Human Rights, so as to ensure that people everywhere would share the same vision of the struggle for the protection of human rights before the fiftieth anniversary of the United Nations. However, as the Tehran and Vienna Conferences had shown, the level of ratification and implementation of human rights instruments left much to be desired; it would therefore be fitting to remedy the situation on such a historic occasion.

33. After endorsing in general the recommendations made by Belgium on behalf of the European Union, he said that he wished to focus briefly on three international human rights instruments. First, he mentioned the Declaration on

(Mr. Laviña, Philippines)

the Right to Development, which remained valid for the developing countries still sorely afflicted by poverty and awaiting a new international economic order. Against that background, the leaders of five of the most developed nations (Japan, the United States, Canada, Australia and New Zealand) would shortly be meeting in Seattle with representatives from the Association of South-East Asian Nations (ASEAN) and other democracies in the region to give impetus to the Asia-Pacific Economic Cooperation Council.

34. Second, the Philippine delegation appealed to all countries which had admitted Filipino migrant workers into their territories to ratify without delay the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in order to safeguard the dignity of human beings who, through their labour, technical skills and professional talents, contributed to national development and progress.

35. His delegation earnestly hoped that the Convention would receive the 20 signatures necessary for its entry into force and appealed to fellow delegations to implement General Assembly resolution 47/96 on violence against migrant women workers, adopted by consensus in 1992. That resolution had been sponsored by the Philippines and 13 other countries, demonstrating international solidarity with Philippine workers in particular and all migrant workers in general. He hoped that the current version of that resolution would similarly be adopted by consensus.

36. Three other instruments merited immediate implementation: the Declaration on the Rights of the Child (1959), the Convention on the Rights of the Child (1989) and the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (1986). As the world approached the new millennium, it was imperative that children should be accorded favourable living conditions and generous support, particularly those who were the victims of natural disasters, civil strife and conflicts. To protect the children of today was to foster new generations committed to peace-building and peace-keeping.

37. Archbishop TAURAN (Observer for the Holy See), recalling the recent World Conference on Human Rights, said it was regrettable that human rights and fundamental freedoms remained in a precarious state. Faced with the evidence of violence, war, poverty, unemployment, cultural underdevelopment, disturbing genetic manipulations and denial of the right to be born, the Vienna Conference had declared that the fundamental rights of the human person were indivisible and universal and that, since they were inscribed in human nature, they were not the mere expression of a culture and should be respected by all.

38. In his first message to the United Nations in 1978, Pope John Paul II had commented on the seemingly growing divergence between the meaningful declarations of the United Nations and the sometimes massive increase in human rights violations. The Holy See wished to reaffirm that respect for the rights of the human person, as laid down in the Universal Declaration of Human Rights of 1948 and the Proclamation of Tehran of 1968, committed the international

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community to ensuring for each human being the requisites for his dignity and for spiritual dimension, since human rights and fundamental freedoms were not granted by any person and preceded the positive law which gave them expression. Such organizations as the United Nations should therefore promote the expression of a common political will with a view to ensuring a more unified world and a truly human life.

39. Freedom of religion was included among the fundamental rights. While some progress had been made, particularly in Central and Eastern Europe, largely due to the thoughtful work carried out in the United Nations and the Conference on Security and Cooperation in Europe (CSCE), he noted with regret that in too many regions believers were subjected to serious discrimination. Thus, in certain Islamic countries, Christians had no places of worship where they could gather. Elsewhere, religious leaders were unable to express opinions on social problems without being suspected of betraying the national interest and increasingly restrictive laws and national dispositions were being promulgated.

40. For that reason, the Holy See sought the full assurance of individual and collective rights for Catholics as well as all other communities of believers, enabling them to participate in public dialogue and in national affairs with full recognition of their faith. At the same time efforts must be made to avoid placing the power of the State at the service of a single religious community and to oppose the view of religion as destructive of the national sense of community. The first deviation endangered social and civic peace within and between countries while the second ominously denied the religious dimension of man.

41. Failure to grant believers their proper place in national life carried the risk of the eruption of nationalism and tribal revendication, excesses of national sentiment, the conviction of the superiority of one race over another, the reign of arbitrariness and the negation of rights.

42. The establishment of structures for dialogue should take precedence in that area, so that collaboration and solidarity could prevail and a solution be found to the problems of national minorities. While in theory each people should be able to organize itself into an independent State, where that proved impossible, federal and confederal forms offered an alternative which safeguarded the unity of the State while granting national communities the faculty to preserve their ethnic, cultural and religious identity. The example of the former Yugoslavia, Burundi, Somalia, Angola, Sri Lanka and several countries of the Caucasus served to recall to humankind its obligation to seek solidarity. To its credit, the international community had scored a number of successes, such as progress achieved in Cambodia, the abolition of apartheid in South Africa and the current talks between the Israelis and the Palestinians.

43. Considerable legal work was necessary to resolve such issues as the definition of the concept of a "national minority", the forced displacements of populations and the arms trade. Progress had been made in that area in Europe with the establishment of a court of arbitration and with the appointment by CSCE of a High Commissioner on National Minorities, but those achievements were

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still meagre in a world which should be founded on the rights of the person, pluralism and democracy.

44. With the resurgence of ethnic conflicts and problems of nationality and frontiers, tragically repeating the history of the early twentieth century, the time had come for a renewal of conscience and for action. It was the duty of the United Nations to give signs of hope to all peoples.

45. Mr. HJELDE (Norway), speaking on behalf of the five Nordic countries, said that the World Conference on Human Rights had reaffirmed the unique position of the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, which served as the inspiration for the establishment and implementation of the norms contained in existing international human rights instruments. By recognizing that peace and stability directly depended on the effective implementation of those norms, by drawing attention to the universal nature of fundamental rights and freedoms, by stressing the duty of States to promote and safeguard human rights regardless of their political and economic systems and by stressing the close interrelationship between human rights, democracy and development, the Vienna Declaration and its programme of action constituted a firm basis for future national and international action.

46. In that context, the progressive accession to and implementation of United Nations instruments on human rights was a matter of fundamental concern. The Nordic countries urged all countries to take appropriate measures, since, despite the progress which had been made, one third of the States Members of the United Nations had still not acceded to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and less than half had accepted the procedure for individual complaints set forth in the First Optional Protocol.

47. The number of States parties to a convention or agreement was not, however, any guarantee of respect for those instruments. The Nordic countries noted with concern that, when ratifying such instruments, a large number of States were entering extensive reservations which were incompatible with the object and purpose of the conventions in question or contrary to international law. Sometimes they even called into question the validity of the ratification itself. The Nordic countries therefore urged the States concerned to follow the recommendations of the Vienna Conference and to consider limiting the extent of their reservations to international instruments or at least to formulate them as precisely and narrowly as possible, in accordance with international treaty law.

48. The Nordic countries attached great importance to the abolition of the death penalty, which constituted an affront to the dignity of man. It was therefore cause for great concern that so few countries had ratified the Second Optional Protocol, aiming at the abolition of the death penalty.

49. Turning to the advancement of women, he said that the Nordic countries were in favour of the full incorporation of the question of the fundamental rights of women in United Nations human rights activities, supported the appointment of a

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special rapporteur on violence against women and endorsed the goal set in the Vienna Declaration of universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000.

50. The Nordic countries echoed the appeal of the Conference for the ratification of the Convention on the Rights of the Child by all States by 1995. They supported the national and international efforts to be undertaken for the defence and protection of children, especially the most vulnerable (street children, victims of economic or sexual exploitation, children in armed conflicts).

51. The World Conference on Human Rights had urged all States to put an end to the practice of torture and to cooperate fully with the Special Rapporteur on the question of torture in the fulfilment of his mandate. The Nordic countries supported the recommendations of the Conference concerning the effective implementation of the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Stressing the need for concrete action to ensure the rehabilitation of the victims of torture, they called for additional contributions to the United Nations Voluntary Fund for Victims of Torture.

52. Similarly, they hoped for the early implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, who had the right to participate effectively in all areas of public life.

53. It was the responsibility of Governments to strengthen the national structures which played a role in safeguarding human rights. It was essential that lawyers, officials and other persons concerned should have access to the texts of the conventions in the original version or in translation and to judgements and opinions in the field of human rights. Efforts should also be made with regard to teaching and the dissemination of information.

54. With regard to the monitoring of the implementation of human rights, the Nordic countries urged their partners to cooperate closely with the experts concerned; they approved of the appointment of a High Commissioner for Human Rights. They recommended that the resources allocated to the Centre for Human Rights should be increased (a matter on which the Fifth Committee should work in close cooperation with the Third Committee) and were prepared to play an active role in revitalizing United Nations activities in the field of human rights.

55. Mr. TORELLA di ROMAGNANO (Italy) endorsed the observations made by the representative of Belgium on behalf of the European Union, and said that consideration of the item concerning the implementation of international instruments provided an opportunity to establish a more effective system enabling the United Nations to play a strengthened role as guarantor of human rights and that increased efforts should be made along that line, in the light of the results of the World Conference on Human Rights.

(Mr. Torella di Romagnano, Italy)

56. In that perspective, it was necessary to ensure that international rules were legally enforced. Of course, given the wide range of international human rights instruments at both the world-wide and regional levels, different monitoring methods were envisaged (periodic reporting by States parties, the appointment of rapporteurs on given countries or subjects, the right of petition, etc.). However, at the world-wide level, a real and effective mechanism had still to be established to enforce respect for the rights and duties of the States as well as of individuals, it being understood that that action would be of a strictly legal nature and not political or sociological.

57. The rights and duties created by the rules of international law, especially in the field of human rights, were supposed to be applied within the framework of the legal system to which those international instruments belonged. Once ratified by a State, the rules of international law were incorporated into the domestic legal system and applied by national courts as if they were of national original.

58. That created a number of problems, such as that of impartiality. As most rules relating to human rights governed the relationship between the individual and organs of the State, especially the judiciary, it might appear odd that the responsibility for monitoring the application of those rules should rest on States parties whose conduct was not consistent with the rules. Among other arguments against the enforcement of international instruments by national jurisdictions, one could also refer to the problem of interpretation of the rules, which should have the same meaning for all States parties but would lose their universality if the judges of each country interpreted them and applied them in their own way.

59. However, there were no international judiciary bodies or mechanisms in the field of human rights, except the International Court of Justice at The Hague. Even the proposed war crimes tribunal did not cover human rights as such. The only examples of effective mechanisms were at the regional level, within the framework of the Council of Europe. Under the European Convention on Human Rights, claims could be made to the European Commission of Human Rights and subsequently to the European Court of Human Rights.

60. As his delegation had made clear in previous debates it felt that, despite all the political and technical difficulties involved, the United Nations should envisage the establishment of an international court of human rights, modelled on the European Court of Human Rights, which would deal with disputes between individuals and States, as well as those between States, provided that the defendant State had accepted the court's jurisdiction. An ad hoc instrument would have to be negotiated which would define the competence of the court and establish conditions for access to it. An ad hoc body similar to the European Commission could be responsible for determining the receivability of claims: among other things, the claimant should have exhausted all local remedies, and the case should not have been referred to any other international body.

61. Most importantly, it should be established whether such a body was really useful, not to say necessary. Firstly, it would be essential for all States

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without exception, to accept the principle of the compulsory jurisdiction of the court. Furthermore, given the universal character of fundamental rights, it was becoming increasingly necessary to grant the individual the status of a subject of international law, especially when the interests of the individual as such were at stake. It was essential that the individual should be protected by an international body which, acting on purely legal grounds, would ascertain whether a State had violated international human rights instruments and ensure the uniform interpretation and implementation whose importance had just been emphasized.

62. The establishment of an international court of human rights was widely accepted in principle, but patience and effort would be needed if, as in the case of the European Court, it was hoped to progress from a Utopian plan to the reality of a universal and impartial means of recourse.

63. In conclusion, his delegation urged States which had not yet done so, to ratify or accede to the international human rights instruments. In fact, it was no longer conceivable that a State which did not respect fundamental human rights could argue that it had not ratified the relevant international instrument, since respect for human rights had already gained the force of a universal principle.

64. Mr. Kukan (Slovakia) resumed the Chair.

65. Mr. PALLAIS (Nicaragua) said that development and democracy went hand in hand and that democracy alone could not guarantee the exercise of human rights, including economic and social rights. He noted that in many regions of the world democratization, far from helping to improve the quality of life, had led to an increase in poverty. As had been stated in the Vienna Declaration of the World Conference on Human Rights, in the document issued by the General Assembly of the Organization of American States, held in Managua in June 1993, and in the Secretary-General's report on the work of the Organization (A/48/1), democracy was inseparable from development. Respect for human rights and fundamental freedoms was the corollary of peace, which itself was made possible by democracy and sustainable development. Unfortunately, human rights violations also occurred in democratic and developed societies; the fact that they were not due to poverty or underdevelopment made them all the more serious.

66. The Government of President Chamorro, installed as a result of the first democratic elections the country had known, had inherited a particularly bad economic and social situation. Out of a concern to strengthen democratic institutions, it had launched a programme of national reconciliation, part of which involved a dialogue with all sections of society. In the same spirit it had, in August 1993, granted a limited and conditional amnesty, which did not, however, cover war crimes, crimes against humanity or offences under the ordinary law.

67. The Nicaraguan Government was pursuing its programme of disarming civilians, notably in the rural areas, and the size of the army had been reduced from over 90,000 in 1990 to below 16,000 at the time of speaking. Consideration

(Mr. Pallais, Nicaragua)

was being given to a law on the reorganization of the army, with a view to ensuring the subordination of the military hierarchy to the civil authorities. In addition, the information services had been placed under the control of the President's office. As part of the campaign to make the national police more professional, the Inter-American Institute of Human Rights and the University for Peace had given courses on human rights and humanitarian law.

68. In 1993 the Nicaraguan Government had pursued an economic adjustment and growth programme encouraging investment in order to create jobs and stimulate production, which was essential for improving the quality of life. The interim report on a programme concerned with human development, childhood and youth for the period 1991-1996 charted the social progress achieved and laid out the general principles of the Nicaraguan Government. Its respect for human rights had led the Government to undertake to help the most destitute and vulnerable sections of the population, to improve the efficiency of services in the areas of basic health, education and social services and to support productive sectors to which the workings of the market did not apply. The new aims of the President's social policy were to decentralize administrative and financial decisions; to encourage community participation; to coordinate government and local services; to target specific population groups and their needs; and to restore and reconstruct health and education infrastructures.

69. At the international level, the Nicaraguan Government welcomed the adoption by consensus of the Vienna Declaration and Programme of Action of the World Conference on Human Rights, held in June 1993. It urged States, Governments, international organizations, non-governmental organizations and the various bodies concerned with human rights to implement the document, which marked a decisive stage in the history of humankind. It also welcomed the establishment of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and supported the proposal to establish an international criminal court for the prosecution of crimes against humanity. Lastly, it supported the idea of establishing the post of United Nations High Commissioner for Human Rights, with the task of ensuring the right to development.

AGENDA ITEM 111: ADVANCEMENT OF WOMEN (continued) (A/48/3 (chap. VII.C), A/48/38, A/48/98, A/48/124-S/25506, A/48/182, A/48/187-E/1993/76, A/48/279, A/48/301, A/48/338, A/48/354, A/48/359, A/48/413, A/48/513, A/48/546 and A/48/591; A/C.3/48/6 and A/C.3/48/10; A/C.3/48/L.5)

Introductory statement and general debate

70. Ms. SADIK (Executive Director, United Nations Population Fund (UNFPA)) introducing, at the request of the Secretary-General, his report A/48/591 concerning the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) and the United Nations Development Fund for Women (UNIFEM), said that the proposal before the Third Committee, which was based on a recommendation by the high-level panel of advisers on the restructuring of the economic and social sectors of the Organization, endorsed

(Ms. Sadik)

by the Secretary-General, had been prepared by the task force established by the Secretary-General, in response to a recommendation by the Board of Trustees of INSTRAW at its thirteenth session in February 1993, to consider the various aspects of the merger and to make recommendations. After detailing the composition of the task force, which she chaired, she said that, taking as its guiding principle the objective of enabling the United Nations system in general and INSTRAW in particular to work more effectively to improve the situation of women, it had unanimously concluded that a merger of INSTRAW and UNIFEM was desirable in order to introduce greater coherence to the policy, research and operational aspects of United Nations activity.

71. In its decision 1993/235, the Economic and Social Council had agreed that the recommendation to merge INSTRAW with UNIFEM "in pursuance of a stronger, more unified programme for the advancement of women could proceed, subject to the recommendations set out in paragraph 13 of the [task force] report, in particular the need for a proper analysis of the legal, financial and administrative implications of the merger, and subject to consideration by the General Assembly at its forty-eighth session".

72. In considering the proposal, it was essential to keep in view the overall objective to achieve a stronger and more unified programme for the advancement of women within the United Nations system and to make the most effective use of the resources available. Document A/48/591 outlined the administrative, financial and legal modalities to be used in implementing the merger, fully corresponding with the concerns raised by the task force in its report (E/1993/82, annex).

73. The arrangements proposed in A/48/591, paragraphs 8 (i) and (j), should lead to greater strategic coherence and better coordination in pursuit of their common goal of the advancement of women and in the preparations for the Fourth World Conference on Women and its follow-up, especially since the Division for the Advancement of Women had moved to New York and the Secretary-General for the Conference had transferred to the Department for Policy Coordination and Sustainable Development.

74. Document A/48/591 summarized the financial implications of the proposed merger for the budgets of the two organizations and indicated that the proposals could be accommodated within the resources available to INSTRAW and UNIFEM for the 1994-1995 biennium.

75. Under the proposed merger, the two organizations would be placed under the same management without losing their separate identities. As the task force had recommended, INSTRAW would continue to carry out independent research and training activities. After reviewing the mandates and objectives of both organizations, the task force had noted that they complemented each other and that a unified strategy would eliminate duplication, help strengthen the common programme and enhance fund-raising. Because of limited resources and staff, INSTRAW had found it difficult successfully to complete its research and training programmes. Moreover, its relative isolation had affected its long-term prospects for access to resources. The merger would provide it with

(Ms. Sadik)

better access to institutions and universities conducting research on women, thus facilitating its information collection and dissemination activities as well as networking initiatives; that should in turn enhance its fund-raising ability. The task force had been unanimous in its view that the Institute needed to establish more systematic links with mainstream institutions within and outside the United Nations system. UNIFEM, which was engaged mainly in operational activities, had also conducted pilot studies and surveys to meet operational research needs, and the merger might contribute significantly towards meeting those needs. UNIFEM training activities might also benefit from the developmental work done by INSTRAW.

76. The task force had placed special emphasis on the recognition that should be given to the Dominican Republic for hosting INSTRAW. In line with the recommendations of the task force, the Secretary-General had outlined in his report various options for maintaining a continued presence of both organizations in Santo Domingo. The proposals before the Third Committee, however, extended beyond the recommendation of the task force, since they envisaged the Santo Domingo facilities serving as a capacity-building centre for Latin America along the lines of the capacity-building activities currently being carried out in the Asian region. It was also reasonable to foresee that other United Nations entities would utilize the Santo Domingo facilities for their training activities.

77. Mrs. PAIK (Republic of Korea), referring to the proposed merger between INSTRAW and UNIFEM, said it should be borne in mind that the ultimate goal of restructuring was to strengthen the programmes for the advancement of women and to enhance the efficiency of the work of those organizations in function, structure and financial capability. Given that the INSTRAW research programme was closely linked to the operational activities of UNIFEM and the work of the Division for the Advancement of Women, close contacts among those organizations would help strengthen United Nations activities for the advancement of women by improving coordination among those bodies and enhancing their advocacy work.

78. With Economic and Social Council decision 1993/235 in mind, her delegation would like to make several comments on the report of the Secretary-General on the proposed merger (A/48/591). The Secretary-General was proposing that the mandates and programmes of both organizations should remain unchanged and that a common management system and more unified and more streamlined reporting arrangements should be established. In addition, the Consultative Committee of UNIFEM should exercise oversight for both INSTRAW and UNIFEM activities. Her delegation would appreciate more detailed information on each of those proposals.

79. The financial implications of the merger were another key consideration. Given that INSTRAW was wholly dependent upon voluntary contributions, the impact of relocation costs should be minimized. The report stated that after the one-time expense of $300,000 for transitional measures, the merger would result in savings of approximately $600,000 in operational costs. None the less, her delegation still had some concerns that the expected increase in basic management costs, including higher salaries and rent, might actually reduce the

(Mrs. Paik, Republic of Korea)

availability of resources available to INSTRAW for implementing its programmes. It would therefore appreciate additional information from the Secretariat on that point. The report stated that the INSTRAW Trust Fund and the United Nations Development Fund for Women would continue to be maintained separately. Her delegation would like further elaboration on that matter, with particular reference to the utilization and possibility of transfers between the two funds.

80. Her delegation noted with concern the difficulties of relocation, as well as the possibilities of unemployment that the proposed merger would bring to the INSTRAW staff. It also believed that the ongoing dedicated support of the Government of the Dominican Republic should be recognized. It therefore shared the Secretary-General's view that there should a be continuing presence of UNIFEM/INSTRAW in Santo Domingo, to be supplemented by related measures which would further strengthen such presence.

81. As UNIFEM and INSTRAW were two important bodies for dealing with women's issues, the efficiency of their work should not be hampered by delays in the Third Committee's decision on the proposed merger or by a lengthy transition and restructuring period if the merger took place. The Committee should therefore reach a decision as early as possible, so that the preparatory work for the Fourth World Conference on Women would not be adversely affected. That did not mean that the matter should not receive due consideration. Since the Member States had not had sufficient time to analyse the issue owing to the late submission of the Secretary-General's report (A/48/591), the Republic of Korea hoped that a briefing session could be arranged to give the Committee the facts and enable it to arrive at a decision by consensus.

82. Mrs. HORIUCHI (Japan) said that the Government of Japan fully recognized the importance of the activities of UNIFEM and INSTRAW, which it had long supported, and stressed that the two organizations would never have been as successful as they had been without the support of Member States, especially the countries in which their headquarters and regional offices were located. The proposed merger of the two organizations was naturally a matter of great interest to her delegation.

83. However, the report of the Secretary-General (A/48/591) failed to address fully the legal and procedural aspects of the proposed merger. There was a limited account of the analysis of the impact of the proposed merger on the statutory provisions relating to UNIFEM and INSTRAW. It was unclear whether the General Assembly would be required to formulate new provisions to bring the proposed new UNIFEM/INSTRAW into existence. The financial implications of the proposed merger also needed further elaboration.

84. Regarding administrative and other arrangements, her delegation felt that the information provided was too general. It would therefore be grateful if the Secretariat would elaborate on the arrangements, regulations, rules and operational procedures referred to, in order to facilitate the Committee's deliberations on the subject. Her delegation believed that it was imperative not to disrupt the implementation of the programmes of UNIFEM and INSTRAW in the process of the merger, to enable the two organizations to continue contributing

(Mrs. Horiuchi, Japan)

to the preparations for the World Conference on Women to be held in 1995. Since the proposed merger, which would cause fundamental structural changes in both organizations, was bound to affect programme activities, its timing was important. It was, in any event, a matter that called for careful deliberation and extensive discussion, which in turn required scrutiny of all the information available on the legal, administrative and financial implications of the proposed merger. While her Government supported the Secretary-General's efforts to rationalize and restructure the work of the United Nations in the economic and social fields, it felt that any decision concerning the merger should be taken by consensus.

85. Mrs. ALVAREZ (Dominican Republic) recalled that the Dominican Republic had been chosen by the General Assembly to be the host country for INSTRAW, conceived during the World Conference of the International Women's Year held in Mexico City in 1975. Her Government, which had an exemplary record of advocating human rights, had done everything possible, despite meagre resources, to embellish and maintain the only headquarters of an autonomous international organization in the Caribbean and Latin American region. In May 1993, the Secretary-General had established a task force to consider the administrative, financial and legal implications of the proposal to merge INSTRAW with UNIFEM. It should be pointed out that the task force had in two days produced a report (E/1993/82, annex) that contained a series of reservations. The report had been made with no input from her Government and it had never been officially conveyed to it. The report had subsequently been reviewed by the Economic and Social Council in July 1993. On 5 October 1993, the Dominican Mission had received an official notification referring to the merger of UNIFEM and INSTRAW as a fait accompli, as was the case also in the Secretary-General's report on the work of the Organization (A/48/1), even though the matter had not yet been brought to the attention of the Third Committee.

86. Her Government supported the Secretary-General's efforts to streamline the structure and work of the Organization and make it more efficient. Although there was a general will to revitalize the United Nations on the eve of the twenty-first century, that objective could and should be achieved only through the fullest and most transparent consultations guided by the decisions taken by Member States. Streamlining and restructuring were not ends in themselves but means to achieve agreed goals. Her delegation believed that the proposed merger of INSTRAW and UNIFEM might prove to be an excellent idea and that one should perhaps even envisage the integration of the Division for the Advancement of Women, the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women and the women's components of other United Nations agencies. It asked none the less that the time should be taken to analyse and compare all possible options, and that other United Nations bodies and agencies should be brought into the decision-making process. The results of the consultations could then be submitted to the Commission on the Status of Women at its forty-ninth session and, if the Commission saw fit, to the Fourth World Conference on Women to be held in 1995.

87. In her delegation's view, neither the report of the Secretary-General on the proposal for the merger of INSTRAW with UNIFEM (A/48/591) nor the note

(Mrs. Alvarez, Dominican Republic)

issued by the Secretariat (A/C.3/48/10) in response to the position paper submitted by her Government (A/C.3/48/6) had answered the questions the Dominican Republic had raised. Moreover, the Secretariat had refused to include as an annex to the Dominican position paper the memorandum sent by the Director of UNIFEM to all UNDP representatives in the field, which was referred to in paragraph 18 of the paper, on the grounds that it was an internal memorandum. Her delegation saw in that a justification for the concern expressed by the Ministers for Foreign Affairs of the Group of 77 over extending the political scope of the duties of the United Nations resident coordinators. The Committee could not take a decision without having considered the matter in detail and in depth, in accordance with Economic and Social Council decision 1993/235.

88. Mrs. CASTRO de BARISH (Costa Rica) stressed the importance of the preparations for the Fourth World Conference on Women, which would be the occasion to review the real situation of women and consider ways of expanding their role in society. The rights of women were an integral part of the human rights set out in the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women. To go beyond the progress made at the Vienna Conference, the question of the advancement of women had to be included in the programme of the 1994 World Conference on Population and Development and the 1995 World Summit for Social Development, in the context of the forthcoming Fourth World Conference on Women. Her delegation, like the Secretary-General of the World Conference on Women, believed that the Conference would produce a platform of action with a view to achieving the agreed goals: equality, development and peace.

89. Her delegation had had little time to review the documents on the proposal to merge UNIFEM with INSTRAW (A/48/591 and A/C.3/48/6 and 10). It drew attention to paragraph 10 of the letter dated 11 October 1993 from the Minister of Foreign Relations of the Dominican Republic addressed to the Secretary-General (A/C.3/48/6) citing the decision adopted on 27 July 1993 by the Social Committee of the Economic and Social Council. Paragraph 13 of the same document stated that the Council had exercised much caution when it had adopted its decision and that it had "wanted to avoid any precipitation or premature decisions". Although her delegation had not had the time to study the recommendations of the task force carefully, it would like to know how it would be possible to cut the staff of INSTRAW by more than half while at the same time expanding the Institute's research and training activities. It believed, like the Japanese delegation, that more information was needed on the legal, administrative and financial implications of the proposal for the merger. A decision on the proposal and on the transfer of INSTRAW to New York should not be taken hastily. Since INSTRAW had been established at the initiative of the World Conference of the International Women's Year held in Mexico City, it would be logical to have the question considered during the World Conference on Women to be held in Beijing in 1995. As the representative of the Dominican Republic had proposed, another solution would be to have the Commission on the Status of Women make a recommendation to that effect in 1994 to the Economic and Social Council, which would thus be in a position to present a specific position to the forty-ninth session of the General Assembly.

90. Mr. MORAN (Canada) said that his delegation continued to support the proposal for the merger of the two organizations, since it was convinced that it would lead to a particularly effective mechanism in the area of the advancement of women. Yet the proposal prompted three concerns. First, the administrative savings made ought to be used to finance substantive activities. The reorganization and streamlining of the system should not be invoked, in fact, as a pretext for reducing the resources allocated to the advancement of women. Secondly, the Secretariat must quickly provide the information requested of it by various delegations. Thirdly, a decision had to be taken on the proposal without delay if the new mechanism was to contribute to the preparatory activities for the World Conference on Women.

91. Mrs. MBELLA NGOMBA (Cameroon) said that since her country had presided over the INSTRAW Board of Trustees, it was particularly interested in the proposed merger. It was convinced that a decision of that magnitude should be taken only after careful study of all the legal, administrative and financial implications, with full knowledge of the facts. Cameroon appreciated the general administrative information the task force had provided, but believed that the General Assembly could not take a considered decision on the basis of the task force's report alone; it should also have a report from the Advisory Committee on Administrative and Budgetary Questions (ACABQ), whose role in the matter had been indicated by the Secretary-General in his report (A/48/591, para. 8 (j) (ii)). The Committee must therefore await that ACABQ report, unless the Secretary-General asked the Advisory Committee to submit a report to the current session so that the Committee could make a recommendation to the General Assembly with all the facts at hand.

AGENDA ITEM 110: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/C.3/48/L.9/Rev.2)

Draft resolution A/C.3/48/L.9/Rev.2

92. Mr. KUEHL (United States of America) introduced, on behalf of the sponsors, draft resolution A/C.3/48/L.9/Rev.2, which was the result of intensive consultations and would therefore, he hoped, be adopted by consensus. A new preambular paragraph had been added (the fourth); in the tenth preambular paragraph (old ninth preambular paragraph) the word "all" had been added before the word "States"; and the last preambular paragraph had been expanded. In the operative part, paragraphs 5, 8, 9 and 14 had been revised and a new paragraph had been inserted (para. 7).

The meeting rose at 1.20 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
37th meeting
held on
Thursday, 18 November 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 37th MEETING

Chairman: Mr. KUKAN (Slovakia)

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Question of INSTRAW and UNIFEM

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The meeting was called to order at 10.40 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (A/48/40, 44 and Add.1, 280, 471, 507, 508 and Corr.1, 520, 556 and 560)

1. Mr. STEFANOV (Bulgaria) said that, for almost three decades, international human rights instruments provided a solid basis for the promotion and protection of human rights and fundamental freedoms. His delegation fully supported the recommendations contained in the Vienna Declaration and Programme of Action intended to promote universal accession to such instruments. It was pleased that 172 States were party to at least one of the seven basic instruments in force and believed that the international community should encourage States parties which had made reservations to those instruments to review and withdraw them. Priority should be given to the promotion of existing instruments. The elaboration of new standards was justified only when they responded to new developments or enjoyed broad consensus among Member States.

2. The recognition of international standards was essential for the effective implementation and protection of human rights and fundamental freedoms. Thus, Bulgaria was party to the international human rights covenants, including the Optional Protocol to the Covenant on Civil and Political Rights as well as to the other principal human rights instruments. The new Constitution of Bulgaria, adopted in 1991, recognized the primacy of international norms over domestic legislation. Bulgaria attached great importance to the human rights treaty-monitoring bodies. It recognized the competence of the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination. His Government had withdrawn two reservations, one regarding article 20 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the other concerning the compulsory jurisdiction of the International Court of Justice. In the process of its review of national legislation in accordance with its new international obligations, the Bulgarian Parliament had adopted many acts for the rehabilitation of people who had been subject to repression under the former totalitarian regime. Practical measures had been undertaken for the restoration of human rights which had been violated in the past.

3. His delegation believed that it was essential that the reports of States parties should be submitted in a timely manner so as to ensure the smooth functioning of United Nations treaty-monitoring bodies. For its part, Bulgaria had made efforts to expedite the submission of periodic reports. At the beginning of 1993, the Human Rights Committee had examined the second periodic report of the Government of Bulgaria. The periodic reports to be submitted in implementation of the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women, and the initial report pursuant to the Convention on the Rights of the Child were in an advanced stage of preparation. His country reaffirmed its commitment to the efforts of the

(Mr. Stefanov, Bulgaria)

United Nations machinery established to supervise and monitor human rights and was prepared to offer its full cooperation.

AGENDA ITEM 111: ADVANCEMENT OF WOMEN (conclusion) (A/48/3 (chap. VII.C), A/48/38, 98, A/48/124-S/25506, A/48/182, A/48/187-E/1993/76, A/48/279, 301, 338, 354, 359, 413, 513, 546, and 591; A/C.3/48/6, A/C.3/48/10, A/C.3/48/L.5)

4. Mrs. BARGHOUTI (Observer for Palestine) said that she was convinced that the development of any society depended greatly on the level of the advancement of women. The Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in September 1995, would permit review of the situation of women and adoption of a new strategy and plan of action aimed at improving their condition at all levels. Its success would depend largely on the preparatory process, particularly the regional and local conferences. The Vienna Declaration and Programme of Action, adopted by consensus at the World Conference on Human Rights in June 1993, considered that the human rights of women were an inalienable and integral part of universal human rights. The Declaration stated that "the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex were priority objectives of the international community.

5. The advancement of women, their integration in development and their achievement of full equality were objectives that could not be realized unless peace, freedom and democracy prevailed. Therefore, it was urgent to bring an end to the sufferings which they still endured as a result of war, apartheid, occupation and foreign domination. While women's problems varied from one society to another, certain issues were common to most women and should receive greater attention: discrimination, violence, extreme poverty and the situation of women living under colonial or foreign domination, apartheid and occupation.

6. The only way to improve the situation of Palestinian women, who were still being denied their fundamental rights, was to end the Israeli occupation. The Palestinians could thus exercise their right to self-determination and independence, which would facilitate the integration and participation of Palestinian women in the development of their society. The United Nations had a responsibility to find a just solution to the question of Palestine. In that regard, the Palestinian delegation thanked the Secretary-General for the report on the situation of Palestinian women in the occupied territory (E/CN.6/1993/10). He had noted that the situation of Palestinian women in the occupied territory remained characterized by the state of military occupation, and all women were affected by the political consequences of the occupation. He noted that many Palestinian women had been administratively detained without being charged, while many others were subjected to torture and various forms of harassment. As for Palestinian children, few had not suffered ill-treatment, both physical and psychological, at the hands of the Israelis. The report of the Secretary-General, however, did not address sufficiently the problem of the expulsion of women or men married to Palestinians but who did not have residency in the occupied territory. The Israeli authorities seemed to consider that

(Mrs. Barghouti, Observer, Palestine)

family reunification was not a right, but a privilege to be granted at their discretion.

7. The positive developments in the situation in the Middle East, particularly the signing of the Declaration of Principles and the exchange of mutual recognition between the Palestine Liberation Organization (PLO) and Israel, gave the Palestinian delegation strong cause to hope for a return to normality in the Middle East. Until it had been achieved, the international community, particularly the United Nations, should exert more efforts to assist and protect the Palestinian people. Such assistance was more essential than ever if the implementation of the agreement was to be successful. Her delegation thanked all Governments, non-governmental organizations and the various United Nations organizations and agencies, particularly the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the International Committee of the Red Cross, UNICEF, WHO and Amnesty International, all of whom had given constant proof of their solidarity with the Palestinian people.

8. Mrs. CHIGAGA (Zambia) expressed her appreciation of the Secretary-General's excellent report on the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000 (A/48/413), in which he pointed out the necessity of finding the most appropriate methods for implementing the Strategies, given the dramatic political, economic and social changes experienced over the previous decade.

9. The World Conference on Human Rights had reaffirmed the universality of human rights, but it was painfully obvious that the dramatic changes in the world economy over the previous two years had reduced the chances of many people, particularly women, to enjoy their individual human rights and fundamental freedoms.

10. Thus the structural adjustment programme on which Zambia had embarked in order to overcome its economic problems and put the country on the path of sustainable development had led to a cut in social-sector spending. The austerity measures which had had to be taken particularly affected women and children, many of whom had already been living on the knife-edge of survival.

11. In that kind of situation, education gave women the best hope of progress. It was associated with the propensity to make greater use of social services, the ability to earn higher incomes, the improvement of child care and nutrition, the lowering of infant mortality and the reduction of average family size. It provided the opportunity to ameliorate the lives of millions of women and at the same time improve the prospects for sustainable development.

12. In Zambia it was realized that the empowerment of women through the elimination of gender-based social structures and relations was a priority issue in the formulation of national development strategies. The new awareness was mainly attributable to the work of the Women in Development Department of the National Commission for Economic Cooperation and Development Planning. The Department had been pivotal in fostering cooperation between the Government, women's groups, non-governmental organizations and the international community,

(Mrs. Chigaga, Zambia)

as a result of which policy-makers were integrating women's concerns into national development policies and programmes. Such interaction had contributed to women's increased awareness of their rights and their greater knowledge of the legal system. Thus the outcry that had arisen when an all-male Cabinet had recently been appointed in Zambia had led to the appointment of two women ministers. Male dominance remained, however, a major obstacle to progress in Zambia.

13. Her delegation applauded the efforts of the United Nations Development Fund for Women (UNIFEM) to improve the capacity of African institutions providing gender training. Working in conjunction with the African Development Bank, UNIFEM had funded a meeting in Côte d'Ivoire in November 1992 on "Mainstreaming Gender Concerns into African Training and Research Institutes". Her delegation hoped that the meeting would mark the beginning of a continent-wide process of collaboration between UNIFEM and African institutes.

14. With regard to trade and industry, the Secretary-General had rightly pointed out in his note on the advancement of women (A/48/279) that the drought in the southern Africa subregion, together with the adverse effects of structural adjustment, had underscored the importance of trade as an economic activity for women to improve their livelihood. For women's enterprise initiatives to become profitable, however, skills-training and business advice were of paramount importance. Yet a major problem faced by women who entered the cash economy was the inability of commercial banks to provide start-up capital. The fact that women did not have a regular source of income, nor any assets, prevented them from providing the banks with the necessary guarantees.

15. Her delegation welcomed efforts to deal with such problems, such as the UNIFEM-funded "Round Table for Women in Business in the Eastern and Southern African Subregion", held in Lusaka in July 1992. The participants in the round table had been women representing business associations from 15 of the member States in the Preferential Trade Areas for Eastern and Southern Africa. It was to be hoped that such efforts would lead to the greater involvement of women in decision-making in both the private and the public sectors of the economy.

16. Her delegation believed, however, that United Nations entities should work together more closely to overcome the problem of limited resources. Greater communication, coordination and cooperation between them on programmes relating to women would reinforce initiatives for cooperation among countries. Zambia looked forward with great anticipation to the Fourth World Conference on Women, which should evaluate in a practical manner the implementation of the Nairobi Forward-looking Strategies and formulate a realistic Platform for Action that took account of constraining factors. The Conference, and the Commission on the Status of Women, must be provided with sufficient resources to do its preparatory work. Her delegation therefore hoped that Member States in a position to do so would continue to support the trust fund set up to finance the preparations for the Conference.

17. Miss SELJUKI (Afghanistan) said that the Fourth World Conference on Women, which would take place ten years after the previous World Conference, held in

(Miss Seljuki, Afghanistan)

Nairobi, would be a very important event for women all over the world. Her delegation would like to see particular attention given at the Conference and at the regional preparatory meetings to the special needs of women in least developed and war-stricken countries; it would also like social issues to be given priority over legal issues. Whereas in the developed countries the advancement of women meant integrating them into the decision-making process or seeking ways of restructuring the economy in order to provide women with their own resources, in developing countries the problem for many women was, first and foremost, one of survival, especially for war widows who had lost all financial support and were homeless. That was particularly true of Afghan women, who had borne the brunt of foreign aggression.

18. The Nairobi Forward-looking Strategies focused attention adequately on the problems of women in vulnerable situations, including migrant women workers. However, her delegation believed that United Nations organizations, non-governmental organizations and other competent organizations should give priority to assistance for war widows when formulating assistance programmes for the advancement of women. The first step in that direction should be for the United Nations to conduct an in-depth study of the problems of women in vulnerable situations and to assign to the regional commissions the task of collecting the relevant data. The Governments concerned could submit reports on the question to the regional commissions, which would then submit them to the General Assembly at its forty-ninth session through the Economic and Social Council. Afghanistan was not the only country facing problems relating to war widows: Bosnia and Herzegovina also merited special attention in that regard. Afghanistan might submit to the Third Committee a draft resolution specifically concerning the situation of war widows.

19. As a result of the war against the Soviet invaders, 1.7 million people in Afghanistan had lost their lives; a further 2 million people had been disabled, and more than a million children had been orphaned. In addition, almost a million women had been widowed; the economic infrastructure of the country had been destroyed and 4 million Afghan refugees were still in Iran and Pakistan, where they were living in very poor conditions. Women and children were the group most affected by war. They were also the group with the highest health risk. The mortality rate for women and children, already very high, was elevated still further by widespread illiteracy, which complicated efforts to seek out medical services. In addition, by tradition in Afghanistan, on average Afghan women had two or three children; when deprived of a husband to provide for the family, widows were incapable of finding resources and educating their children.

20. The new Islamic State of Afghanistan was aware of the situation. In 1993 it had set up the Afghan Association for Women, whose purpose was to heighten awareness of the needs of Afghan women as war victims, as mothers and as members of the workforce. The Association was not a governmental organization; rather, it complemented Government activities for the advancement of women, to improve women's status and to integrate them into the political, economic and administrative life of the country.

(Miss Seljuki, Afghanistan)

21. The Association was made up of women from different walks of life and was open to all; it strove to educate women and teach them vocational skills and home economics in order to prepare them to work inside and outside the home. The Association would be in charge of organizing and coordinating activities for the Fourth World Conference on Women.

22. The international community and agencies related to the United Nations should assist in the reconstruction and rehabilitation of Afghanistan. Afghanistan invited INSTRAW, UNIFEM and other United Nations agencies which had set up special programmes and had been active in collecting information on the special problems of women, to assist in the integration of women into the Afghan economy. In addition, donor countries with international development assistance policies having a special focus on the advancement of women should support Afghanistan in its efforts to improve the living conditions of Afghan women. Lastly, the international community and agencies related to the United Nations should help Afghanistan to formulate a development programme that would allow Afghan women to take charge of their own lives and to play an equal role in the planning and execution of development programmes.

23. Mrs. MONGELLA (Secretary-General of the Fourth World Conference on Women) summed up the Committee's discussion on agenda item 111. She said that more than 70 delegations had taken part in the debate. The statements made had reflected the exceptional spirit of cooperation which had prevailed during the Committee's discussion. A number of delegations had made reference to the outcome of the World Conference on Human Rights in Vienna, at which considerable attention had been given to the situation of women. Many others had stated their concern regarding the problem of violence against women and had expressed support for the draft resolution on the elimination of that intolerable phenomenon. Speakers had frequently placed emphasis on the need to establish peace, on the problem of growing poverty and on the specific economic difficulties experienced by women, especially in the developing countries.

24. She hoped that Member States and non-governmental organizations would continue to work together in preparation for the Fourth World Conference on Women in Beijing in the same spirit of harmony and willingness to engage in a dialogue. She assured Committee members that she herself and the relevant United Nations organs were committed to doing their best to ensure that the Conference would be a success.

The meeting was suspended at 11.30 a.m. and resumed at noon.

Question of INSTRAW and UNIFEM

25. Ms. SEMAFEMU (Uganda) thanked Mrs. Sadik, the Chairperson of the Task Force on the proposed merger of INSTRAW and UNIFEM, for her introductory statement on the Secretary-General's report (A/48/591). Uganda believed that it would be very difficult to reach a decision on such an important question at the current session of the General Assembly. First, the Secretary-General's report had been submitted late and delegations had not had enough time to hold the necessary consultations. Furthermore, the report itself did not provide sufficient

(Ms. Semafemu, Uganda)

information on the administrative, financial and legal implications of the proposed merger. Paragraph 8 contained some basic details that might serve as a basis for a full analysis of the current situation with regard to the two entities and their future. Without such an analysis, it was difficult to assess the short-term impact of the proposal, especially with respect to programme implementation. In addition, in view of the differences of opinion between the Dominican Republic and the United Nations, as reflected in documents A/C.3/48/6 and A/C.3/48/10, it was clear that the issue deserved in-depth consideration. For example, the significant contribution of the Dominican Republic to INSTRAW must be taken into account. It would be preferable for the Committee not to take any substantive decision on the matter at the current stage.

26. Mrs. ARUNGU-OLENDE (Kenya) said that she understood that it was difficult for the delegations of the Dominican Republic and Costa Rica, which 10 or 15 years earlier had devoted so much time in the Third Committee to establishing INSTRAW and UNIFEM, to accept that the future of those two entities could be settled in just two days. There was in fact no need to reach a hasty decision on the matter. A decision could be taken after the Beijing Conference. In any case, the Secretariat proposal should be considered with the utmost attention and open-mindedness.

27. Mrs. SADIK (Chairperson of the Task Force on INSTRAW/UNIFEM and Executive Director, UNFPA) thanked the delegations which had made statements on the issue under consideration. The concerns they had expressed illustrated the importance they attached to concerted efforts to promote the advancement of women.

28. The proposal presented in the report of the Secretary-General (A/48/591) to merge INSTRAW and UNIFEM, a proposal that had been made initially by the high-level panel of advisers on the restructuring of the economic and social sectors of the United Nations, had been very carefully examined by the Task Force; the Secretariat had analysed in detail the implications of the proposal.

29. In line with the recommendation of the Task Force, INSTRAW would retain its separate identity and autonomy to pursue independent research and training activities for the advancement of women. An advisory group of experts, to be established for that purpose, would help define the content of such activities. At the same time, the totality of the programme, covering operational activities (UNIFEM) and research and training (INSTRAW), would be subject to a single reporting mechanism. Reports would be submitted first to the Commission on the Status of Women and to the UNDP Governing Council, then to the Economic and Social Council and, finally, to the General Assembly. That system, by eliminating the current duplication, would help to reduce costs and ensure better coordination of activities and a more coherent policy for the advancement of women.

30. Financial oversight of the combined programme would be provided on a biennial basis by ACABQ; currently, INSTRAW was not subject to review by ACABQ.

31. Some concern had been expressed that the merger might result in a decrease in resources available for programmes for the advancement of women in general,

(Mrs. Sadik)

and for research and training activities in particular. There was also some scepticism about whether savings in operational costs could indeed be derived from the merger. She would therefore like to point out that the research and training functions of INSTRAW would remain intact, and that the resources for the activities in question would be retained in total. The analysis carried out by the Secretariat had identified savings which would result from placing the two programmes under single management, the reduction of meeting costs and the elimination of duplication. In fact, UNIFEM would be able, with a minimal increase in resources, to provide the necessary administrative services and support for the combined programme, which would lead to savings. The resources drawn from the savings would be deployed for research and training activities. Moreover, bringing INSTRAW more into the mainstream of United Nations operational activities would increase the Institute's opportunities for consultations and cooperation, which would, in turn, yield financial benefits, among others, for its programme.

32. The generosity of the Dominican Republic had enabled the development of INSTRAW with very limited resources. As the Task Force had recommended, the Secretary-General intended to build on that remarkable experience. One option would be to develop Santo Domingo's pivotal role in the promotion not only of the advancement of women but also of regional self-reliance. With the agreement and collaboration of the Government of the Dominican Republic, Santo Domingo could become a multidisciplinary training centre of major significance.

33. She wished to dispel any misconception that the Task Force had not accorded the task at hand due attention. The Task Force had analysed in detail the mandate, objectives, current programmes and financial status of INSTRAW and UNIFEM, and had weighed the advantages and disadvantages of the proposed merger and adopted its recommendations unanimously. Furthermore, as Chairperson of the Task Force, she had personally informed the Permanent Representative of the Dominican Republic of the outcome of the Task Force's work and had met with Mrs. Jacqueline Malagon, Minister of Education of the Dominican Republic and a member of the INSTRAW Board of Trustees, to discuss with her the Task Force's recommendations. The Secretary-General's report provided information on the administrative, financial and legal implications of the proposal. The Office of Legal Affairs had advised that, with the Economic and Social Council resolution and the endorsement of the General Assembly, the legislative requirements for effecting the merger would be met.

34. The options regarding the future of the Santo Domingo facilities outlined in the Secretary-General's report demonstrated clearly his commitment to retain and actually enhance the status of Santo Domingo as a centre for United Nations training programmes. The detailed arrangements must of course be worked out in close collaboration with the Dominican Government. When resources were limited, making the most effective use of available means was a moral obligation. That was the crux of the proposal now before the Third Committee.

35. Mrs. ALVAREZ (Dominican Republic) said that regrettable misunderstandings had arisen regarding the proposal under consideration, as a result of a lack of communication and a lack of consideration towards the Dominican Government. The

(Mrs. Alvarez, Dominican Republic)

first mistake had been the failure to invite a representative of the host country to be a member of the Task Force. Since the Dominican Government had donated to the United Nations a building to serve specifically as INSTRAW headquarters, it would have been only normal for the Dominican Government to be the first to be consulted. Yet, during her visit to the Dominican Republic in May 1993, Mrs. Sadik, Chairperson of the Task Force, had presented the proposed merger as a fait accompli. The Dominican Republic had viewed that as a great affront. Such an approach was all the more surprising in that the issue was a matter for the General Assembly to decide. The Economic and Social Council had been more circumspect; at its substantive session in 1993, it had decided that the Task Force's recommendation that the two entities should be merged could proceed, subject to the recommendations set out in paragraph 13 of the Task Force's report, particularly regarding the need for a proper analysis of the legal, financial and administrative implications of the merger, and subject to consideration of the matter by the General Assembly at its forty-eighth session. She believed that the proposed merger should first be submitted to the Commission on the Status of Women and to ACABQ. Given the need to conduct consultations and to examine all aspects of the proposal, particularly its economic aspect, it would be best to defer any decision on the matter to the forty-ninth session of the General Assembly.

36. Mrs. MBELLA NGOMBA (Cameroon) said that she did not see any advantage in terms of cost in the proposed transfer of INSTRAW to New York. In fact, such a transfer would very likely lead to an increase in administrative costs since salaries were higher in New York. Furthermore, while the Santo Domingo facilities had been made available to the United Nations for INSTRAW free of charge, in New York, office space would have to be rented. She wished to know how those new costs would affect INSTRAW's mandate. The matter would have to be submitted to ACABQ for review.

37. The CHAIRMAN said he was sympathetic to the concerns brought up by delegations. Since the issue required careful examination, he would hold further consultations to determine the best way to consider the proposal.

The meeting rose at 12.45 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
38th meeting
held on
Friday, 19 November 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 38th MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/48/40, 44 and Add.1, 280, 471, 507, 508 and Corr.1, 520, 556 and 560)

1. Mr. SHARP (Australia) recalled that the body of international human rights instruments and the committees that monitored their implementation formed a cornerstone of the United Nations human rights machinery and of international human rights endeavours. Accordingly, concrete steps had been taken the past year to enhance the effectiveness of the human rights treaty system, in particular when the General Assembly had decided to fund the Committee against Torture and the Committee on the Elimination of Racial Discrimination from the regular budget. Since, however, that decision would not take effect until two thirds of the States parties to those two Conventions had given written approval, he urged all States parties to ratify the amendments in question as soon as possible. It should be borne in mind that until such ratification, they remained obligated to continue to pay their assessed contributions under the relevant Conventions.

2. The time had come to consider more fundamental changes to the human rights treaty system by making it more effective, relieving the reporting burden on States parties and giving the Centre for Human Rights adequate means to meet the escalating demands on its services. He drew the Committee's attention to the interim report on the updated study by Mr. Philip Alston (A/CONF.157/PC/62/Add.11/Rev.1) of his own original study on long-term approaches to enhancing the effective operation of bodies established under United Nations human rights instruments. The independent expert was expected to submit his final report to the Commission on Human Rights at its fiftieth session in February 1994.

3. In his interim report, the independent expert gave a comprehensive overview of the shortcomings of the treaty system and proposed a series of specific reforms whose consideration, in the view of his delegation, could lead to the elaboration of a longer-term strategy.

4. The first point suggested was the goal of universal acceptance of the major international human rights instruments. The independent expert had recommended considering the six core instruments (the two International Covenants on human rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child) as the basis of the human rights programme; stressing the desirability of speedy universal ratification of the two Covenants, giving particular attention to the specific needs and problems of States with a population of less than 2 million which had not yet ratified either Covenant; and setting the year 2000 as a target date for universality.

(Mr. Sharp, Australia)

5. A second issue would be the highlighting of the essentially catalytic role of the treaty bodies which should ideally be to monitor the domestic monitors. The participation of non-governmental organizations and national institutions in the preparation and dissemination of reports should therefore be encouraged.

6. Thirdly, the chronically high level of overdue reports should be reduced. To that end, advisory services and technical assistance could be provided to States parties whose reports were overdue; the Committees could, even in the absence of a report, schedule the situation in non-reporting States for consideration, a strategy which Australia welcomed.

7. Fourthly, it would be helpful not to require States parties to report on the same issue under several different instruments, including the International Labour Organization (ILO) Conventions. Each State party could be encouraged to identify the instances in which cross-referencing could be used in preparing its reports. Each State could, in addition, designate an administrative unit to coordinate the preparation of all reports to treaty bodies. The treaty bodies could coordinate with ILO to determine any duplication. Lastly, Governments could be encouraged to produce a single "global" report to be submitted to all relevant treaty bodies and the requirement of comprehensive periodic reports could be replaced with specifically tailored reports.

8. It should be noted that the financial implications of acceding to the major human rights instruments (and therefore accepting the reporting obligations) were considerable. The proposals of the independent expert, if implemented, would significantly facilitate the task of the treaty bodies and of States parties by allowing the States to prepare, at lower cost, comprehensive and relevant reports capable of sustaining scrutiny.

9. In the meantime, the Committees themselves would function more effectively if some simple reforms were introduced. All the Committees could, for instance, adopt uniform practices and standard terminology that would make the reporting process more transparent and less complex. All the Committees could also give States more time to respond by providing advance notice of the list of questions. Having itself experienced the difficulty of answering up to 100 questions within the space of one day, Australia believed that such a reform would promote a more effective dialogue between the States parties and the Committees. In order to achieve the goal of a treaty system and a reporting process that allowed both the international community and the citizens of States parties to monitor more effectively the implementation by Governments of their substantive obligations under the major human rights instruments, a spirit of cooperation and dialogue must be established.

10. Mr. IM (Republic of Korea) welcomed the fact that the World Conference on Human Rights had made the improvement of human rights monitoring one of the major aspects of its programme of action. His delegation fully endorsed the various recommendations of the programme of action.

11. The Vienna Conference had set the universal ratification of the basic international human rights instruments as one of the principal goals to be

(Mr. Im, Republic of Korea)

achieved by the international community. While over 120 States had become parties to the basic treaties, like the Convention on the Elimination of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, the level of ratification of other instruments remained unsatisfactory. Given the fact that universal application of human rights could be legally guaranteed only when all Governments had incorporated the international standards of those instruments into their domestic legislation, it was imperative for all nations to ratify those instruments as soon as possible, especially the two Covenants. The Republic of Korea welcomed the Secretary-General's intention to enter into a dialogue with Member States in order to determine obstacles to ratification.

12. The effectiveness of human rights instruments could be enhanced if States parties submitted timely reports to the treaty bodies; the preparation of such reports gave them an opportunity both to review their national mechanisms for the promotion and protection of basic human rights and to initiate a dialogue with the treaty body concerned. In so doing, States parties often gained a better understanding of the instrument in question; that could lead to the withdrawal of some of their reservations. The Republic of Korea therefore urged those States parties which had not submitted their reports on schedule to meet their treaty obligations without further delay; it advised them to seek assistance, where necessary, from the Centre for Human Rights.

13. His delegation wholeheartedly endorsed the recommendations of the Vienna Conference for simplifying the drafting of reports, for instance, by coordinating the requirements and guidelines under the respective conventions. It supported the suggestion that one comprehensive report should be submitted, rather than several, and hoped that a follow-up procedure would be established so that the measures taken by States parties in response to the views or decisions of the treaty bodies could be monitored.

14. In view of the huge effort which States parties were required to make in drafting reports, the substantial backlog in the consideration of such reports by the treaty bodies was regrettable. The situation should be rectified immediately through the provision of increased resources to those bodies.

15. Following the decision by the General Assembly, at its forty-seventh session, to amend the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Secretary-General had included additional resources for the financing of the two committees established under those Conventions in his budget proposals for the biennium 1994-1995. As it was essential for the amendments to be ratified as soon as possible, his delegation called upon States parties and the Secretariat to give urgent attention to the matter.

(Mr. Im, Republic of Korea)

16. Lastly, his delegation emphasized the importance of the role of non-governmental organizations and individuals in the implementation of human rights instruments. More than 800 non-governmental organizations had participated in the Vienna Conference; that was a positive sign for the universal realization of human rights. The United Nations should facilitate the work of such organizations by providing them with easier access to the requisite information.

17. His country had acceded to most of the major human rights instruments and was preparing to accede to the Convention against Torture.

18. Ms. XUE Hanqin (China) said that the human rights monitoring mechanisms constituted an effective means of implementing the relevant instruments. The State reporting system had made for more effective implementation by States parties of the provisions of the conventions and had improved the human rights situation overall, thus enhancing the social and economic development of the States concerned.

19. China appreciated and had always supported the Organization's efforts to promote human rights and fundamental freedoms in accordance with the purposes and principles of the Charter of the United Nations. China had participated actively in the drafting of a number of international human rights instruments. In recent years, with the rapid progress in its reforms and economic development, China had made remarkable achievements in the improvement and promotion of basic human rights. Since 1980, it had signed, ratified or acceded to a number of international human rights conventions, and had taken steps to adapt its national legislation in order to meet its treaty obligations.

20. With regard to the implementation of the Convention on the Rights of the Child, she said that, as children were the most precious resource of society, the manner in which children were brought up, educated and protected would determine society's future development. The protection of children's rights was therefore a significant aspect of the international protection of human rights; the conclusion of the Convention on the Rights of the Child, and its acceptance by over 100 countries, bore witness to that.

21. Her Government attached great importance to the well-being of children and to the protection of their rights and interests. China had taken an active part in the drafting of the Convention and had become a party to it on 29 December 1991. One third of the Chinese population was under 18 years of age. Under article 46 of the Constitution, the State must promote the overall development - moral, intellectual and physical - of children and youth. In order to implement that provision, China had adopted a series of laws and regulations, and programmes for children had been integrated into national economic and social development plans.

22. The State Council had promulgated China's development programme for children in the 1990s in accordance with the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for implementing that Declaration. Since then, 26 provinces, autonomous regions or

(Ms. Xue Hangin, China)

municipalities administered directly by the Government had adopted their own action programmes. The Council's Commission on Women and Children would soon set up a monitoring group to follow up and assess activities relating to the protection of women and children and to the implementation of the said programme.

23. In the underdeveloped regions of China, providing children with health care and education remained difficult. Among the solutions developed by the competent authorities was "Project Hope", carried out by a non-governmental organization which promoted primary education in poor areas and which had elicited an enthusiastic response across the country. The Government departments concerned were preparing an initial report, to be submitted to the Committee on the Rights of the Child, which would provide details on the implementation of the Convention in China.

24. The question of the protection of children in armed conflict and living in other exceptionally difficult conditions, had been referred to the Third Committee for consideration. Her delegation agreed that national measures were no longer sufficient, in many cases, to alleviate the distress of children caught up in regional conflicts, social unrest and natural disasters, or suffering from hunger. Admittedly, the international protection of children living in those conditions was a complicated issue. The social and legal implications of such protection should be studied carefully so that effective measures could be worked out. Her delegation was prepared to exchange views with other delegations on that subject.

25. With regard to the implementation of the Convention against Torture, China recalled that the prohibition of torture and other cruel, inhuman or degrading treatment or punishment was an important aspect of the promotion and protection of human rights. Under the Convention, States parties were required to adopt domestic measures to prevent and prohibit torture. Such a prohibition applied not only to the positive law of each State, namely, constitutional and criminal law, but also to criminal procedure and the judicial system. States parties should amend or supplement their national legislation, as appropriate.

26. China had ratified the Convention against Torture in 1988. Torture was expressly prohibited by Chinese law. More than 10 offences which violated the provisions of the Convention were prohibited under the criminal law of her country, including unlawful detention, unlawful deprivation of liberty and the use of torture to extract confessions. In addition, the code of criminal procedure, judicial procedure and the laws relating to prison administration and rehabilitation through work contained provisions prohibiting the judiciary and police from resorting to torture. In accordance with the Constitution, the National People's Congress had recently adopted Compensation Act, which provided further guarantees of civil rights.

27. China, honouring its commitments under the Convention against Torture, had submitted its initial report in 1989 and a supplementary report in 1992. The Committee against Torture had examined the report in April of the current year and expressed its satisfaction with the legislative, judicial and administrative

(Ms. Xue Hanqin, China)

measures that the Chinese Government had taken in connection with the prevention and prohibition of torture. China had provided detailed explanations in reply to the questions raised by the experts.

28. Her delegation had noted that both the funds and the staff of the Committee against Torture were inadequate to meet the Committee's increasing workload. It was crucial that the United Nations should resolve that problem properly. Her delegation favoured the allocation of funds from the regular budget of the United Nations to cover the operating costs of the Convention-monitoring body and supported the related amendment of the Convention.

29. China considered that the eradication of practices prohibited by the Convention required unremitting efforts by the international community as a whole. China was willing to collaborate with it in the effort to prevent and prohibit torture, further developing its own legal system and ensuring strict enforcement of the law.

30. Ms. VILFAN (Slovenia) said that her country attached the greatest importance to the protection of human rights and fundamental freedoms, which went hand in hand with democracy, peace, security and development, and she paid homage to the United Nations for the invaluable support it had always given for the realization of those ideals.

31. The World Conference on Human Rights, recently held in Vienna, had arrived at the conclusion that the universal acceptance and implementation of the international instruments on human rights and the related protocols concluded within the framework of the United Nations system constituted one of the Organization's priorities and should therefore be strongly encouraged and facilitated.

32. The conviction of the Republic of Slovenia was such that it had become a party to five of the seven United Nations treaties on human rights upon notification of its succession, which had taken effect on the day of its independence, 25 June 1991. As in the case of other multilateral treaties concluded within the framework of the United Nations system, Slovenia had without delay assured complete continuity of the application of the legal regime of those instruments. It believed that adherence of the successor States to the human rights instruments to which the predecessor States had been parties was an important guarantee of a peaceful transition to democracy and a market economy.

33. During the previous two years, Slovenia had become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had ratified the Optional Protocol to the International Covenant on Civil and Political Rights. It had signed the Second Optional Protocol relating to the abolition of the death penalty and expected to ratify it before the end of the current year.

(Ms. Vilfan, Slovenia)

34. The fact that Slovenia had recently joined the Council of Europe showed its respect for the principles of democracy, the rule of law and the protection of human rights. It had not hesitated to sign the European Convention on Human Rights and the related Protocol.

35. The country was currently bringing its legislation into line with constitutional provisions and universal and regional standards, a task that should be completed by the end of the following year; moreover, ratified international treaties having binding force had direct effects on Slovene national law.

36. Her delegation, while noting with satisfaction the increase in the number of States acceding to the various human rights treaties, regretted that there had not yet been sufficiently widespread acceptance of some instruments, especially those providing for individual complaint procedures. Inasmuch as reservations might be incompatible with the objective of a treaty, the Slovene delegation strongly supported recommendations made by the General Assembly and the Commission on Human Rights that States should periodically review their reservations to ascertain whether they ought to be maintained.

37. Slovenia hoped that States that had not yet acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights would do so soon, for it believed that the right to life and human dignity was inviolable and must not be infringed upon by anyone, whether an individual or an authority. Human dignity consisted in the capacity to forgive. In Slovenia, the last case of capital punishment had been in 1957 and the death penalty had been abolished by a constitutional amendment passed in 1989 and by the new Constitution of 1991. In addition to the Second Protocol, already mentioned, Slovenia had signed the Sixth Protocol to the European Convention on Human Rights, concerning the abolition of the death penalty, a measure favoured by most of the States members of the Council of Europe. Her delegation thought that in future, greater efforts should be made within the United Nations to promote the abolition of capital punishment throughout the world.

38. The promotion and protection of human rights would be bereft of meaning unless the States parties to the human rights treaties submitted periodic reports to enable treaty-monitoring bodies to ascertain how States were discharging their obligations. The reports established by those bodies showed a favourable tendency to provide follow-up on the examination of reports from States parties, including the drafting suggestions and recommendations concerning legislative and other measures that those States might adopt for more effective implementation of the instrument in question. Her delegation welcomed the development of early-warning and emergency procedures for reducing the risk of gross and massive human rights violations and threats to international peace.

39. The World Conference on Human Rights had given utterance to the need for further improvement in the procedures followed by the United Nations in the field of human rights. The whole system of related instruments rested on the principle of the universality, indivisibility and interdependence of human rights. In the absence of an international supervisory body, the various United

(Ms. Vilfan, Slovenia)

Nations bodies should adopt an even more concerted approach. In that connection, the proposal made a few days earlier by the Italian delegation that an international court on human rights should be set up deserved serious attention.

40. Her delegation also called for more comprehensive action in respect of the exercise of economic, social and cultural rights, the promotion and protection of the rights of persons belonging to national, ethnic, linguistic and religious minorities and the improvement of the situation of women, children and other vulnerable individuals and groups. The Vienna Declaration had also accorded major importance to improved reporting on problems related to the exercise of human rights. A methodology must be elaborated for countries and both administrative support and the system of collection and elaboration of information must be improved with a view to the creation of a unified database system. That would require the enhancement of the level and volume of expertise within the Centre for Human Rights. Her delegation strongly supported the pertinent recommendations made at the World Conference on Human Rights concerning the need for more human, financial and other resources for carrying out human rights programmes, including that of the Centre for Human Rights.

41. Member States that had accepted international treaty obligations must comply fully with them. In particular, they must submit periodic reports to international monitoring bodies in a timely manner, failure to do which constituted a violation of those obligations.

42. Some of the tasks just mentioned might be entrusted to the High Commissioner for Human Rights.

43. Mr. GARRETON (Chile) said that, since the re-establishment of democracy in his country, the question of human rights had been a major focus of its domestic and foreign policies. Accordingly, it had made great progress in reflecting the provisions of the main human rights instruments in its legislation. It had also withdrawn its reservations to some of those instruments; had acceded to the first Optional Protocol to the International Covenant on Civil and Political Rights and signed the declaration provided for under article 41 of the Covenant; and had recently acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

44. While the system of covenants and their related protocols represented considerable progress, it nevertheless contained substantial flaws. The first flaw lay in the fact that it was possible to ratify or accede to covenants and their related protocols while still expressing reservations to them. In 1992, the Chilean delegation had voiced its concerns in that respect and stated the view that the International Law Commission should give its views on the subject. Moreover, the recent World Conference on Human Rights had urged States to ensure that none of their reservations concerning international human rights instruments were incompatible with the objective and aim of the instrument in question, and to examine regularly any reservations they had expressed with a view to withdrawing them.

(Mr. Garreton, Chile)

45. The second flaw concerned the process of monitoring respect for the rights protected under covenants and their related protocols. That process, under which States parties were required to report periodically on the progress made in upholding the rights guaranteed under the said instruments, was the only process which could be envisaged in 1965 and 1966, the respective dates of adoption of the International Convention on the Elimination of All Forms of Discrimination and the two Covenants. Clearly, however, it had not been modified and the only means of truly improving the human rights situation was to grant everyone the right of petition recognized in the Optional Protocols, in other words, to ensure that everyone had the possibility of recourse to an international tribunal to obtain reparation for violations of fundamental rights. It was perhaps for that very same reason that States were reluctant to accede to the Optional Protocols and to instruments establishing the right of petition, and that the World Conference on Human Rights had recommended States parties to instruments established under treaties on the subject to consider agreeing to all the optional communication procedures available.

46. A serious drawback of periodic reporting was that Governments felt overwhelmed by the enormousness of the administrative task involved, which they had difficulty in fulfilling; the reports currently before the Third Committee provided sufficient proof of that. The Committee on the Elimination of Racial Discrimination, for example, stated in its report (A/48/18) that only 913 of the 1,257 initial and periodic reports due for submission by Governments had been transmitted, certain States parties having failed to submit a single report. The figures contained in the report of the Committee against Torture (A/48/44) were no more reassuring, as some countries which had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988 or 1989 had still not submitted their initial reports, while only 11 of the 26 countries due to submit their initial reports in 1992 had done so. In that connection, he recalled that the chairmen of the bodies established under human rights instruments had stated that the failure to submit reports constituted a breach of international law.

47. The situation, however, was not merely unclear. First, the interim report on the updated study by Mr. Philip Alston (A/CONF.157/PC/62/Add.11/Rev.1) proposed solutions to the question of monitoring compliance with covenants and their protocols. Secondly, there was increasing collaboration between the various bodies established under human rights instruments, and between those bodies and the special mechanisms put in place by the Commission on Human Rights. That collaboration was vital and had been expounded by the World Conference on Human Rights in the first part of its Programme of Action. Equally important was the collaboration between those bodies and the Security Council, following the proposal made by the Secretary-General in paragraph 101 of his report on the work of the Organization (A/47/1), whose purpose was to authorize the Secretary-General and expert human rights bodies to bring massive human rights violations to the attention of the Security Council, with the appropriate recommendations.

(Mr. Garreton, Chile)

48. Finally, the Chilean delegation welcomed the progress made in formulating the draft optional protocol to the Convention against Torture. The elimination of torture was absolutely imperative and the international community should take all possible measures to that end; no legal, political or moral argument could justify its passivity. Chile believed that the system of visiting detention sites provided for under the draft optional protocol was in line with the Vienna Declaration and constituted an effective means of action.

49. Mrs. Rigoberta MENCHU (United Nations Goodwill Ambassador for the International Year of the World's Indigenous People and Nobel Prize Laureate) thanked the organizations which protected indigenous people and the community leaders who had helped her to accomplish her mission throughout 1993, particularly those Governments and institutions which had kept her informed of policies followed with regard to indigenous people, such as sectarian authorities and human rights organizations which had lent their financial support. The problem of resources was important in that respect; owing to the lack of any specific financing, the International Year of the World's Indigenous People had been forced to contend with various difficulties and restrictions.

50. Time constraints made it impossible for her to give details of the numerous consultations undertaken during the course of the year. However, she specified three themes of vital importance for indigenous people, namely the International Year of the World's Indigenous People, the problem of monitoring respect for human rights and the proclamation of the international decade of the world's indigenous people.

51. Far from improving, the situation concerning violations of the rights of indigenous people had in some respects grown worse. Indigenous people were still divested of their ancestral lands. They were inadequately recognized and protected by law; in most cases, there was still no legislation which established more just and egalitarian relations between the State and its indigenous people. The deterioration of the environment, the abuse of natural resources belonging to those people, the persecution suffered by community leaders, the ill treatment of women and racism were all on the increase, not to mention the serious massacres which had perturbed the international community.

52. She added that the external debt burden and the implementation of structural adjustment policies had disastrous effects on the health, employment, education and living conditions of indigenous people, who were the most affected of all the social groups.

53. Despite a certain lack of commitment and true action, the International Year of the World's Indigenous People had made the national and international public aware of the existence of indigenous people and of their historic rights, as demonstrated by the displays of solidarity expressed in various parts of the world, the attention given by the international press to such people and the open-minded spirit with which the United Nations was tackling the problem.

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54. Although some Governments had made an effort to establish new relations with their indigenous populations at the national level, others had unfortunately regressed. In addition, age-old prejudices and fears jeopardized any thorough attempt to understand the social and political aspects of indigenous peoples' struggle for their dignity, identity and inalienable rights. For example, the right to self-determination continued to raise problems, despite the fact that the World Conference on Human Rights had recognized that the denial of the right of self-determination was a violation of human rights and had underlined the importance of the effective realization of that right. In any event, self-determination as understood by indigenous peoples held no danger for national unity and was in no way incompatible with the principles of the Charter of the United Nations. On the contrary, the goal was to establish harmonious and peaceful relations among all peoples and cultures on the planet, while respecting the special features of each group.

55. She wished to make it clear that the situation of indigenous peoples was distinct from that of ethnic or religious minorities and invited the United Nations community to establish specific instruments and mechanisms recognizing the status of indigenous populations and guaranteeing their fundamental rights, one such instrument being the draft declaration of principles on the rights of indigenous populations. She also invited all countries to support the Working Group on Indigenous Populations and emphasized that it was essential for representatives of indigenous populations to take part in the Group's work as independent experts. She stressed that the instruments governing relations between indigenous populations and the former colonial Powers must be fully respected if better cooperation between them was to be attained. She asked the members of the Third Committee to adopt the proposal on the international decade of the world's indigenous populations, which would make it possible to consolidate the progress made at both the country level and in the United Nations system, find solutions for the age-old problems of the indigenous populations, reaffirm their rights and guarantee the sound functioning of their political, social, economic and cultural institutions.

56. However, to avoid the decade becoming a mere symbolic act, it was crucial to plan for a year of preparation, in order to define a platform for action and collect a sufficient amount of resources, especially by appealing to Governments' generosity. For her part, she pledged to campaign to publicize the goals of the decade extensively and to participate fully in the activities conducted.

57. She could not conclude without referring to the situation in Guatemala, which had not improved, especially in the human rights area. Although she had been awarded the Nobel Prize, and despite the struggle against dictatorship and the trust placed in the President of the Republic, former attorney for human rights, the Guatemalan people continued to be subjected to repression, oppression, discrimination and exploitation. Death, torture, enforced disappearances, forced recruitment of thousands of young Mayas into the army and the continuation of the self-defence patrols still afflicted the country, to which peace had not yet come. She noted that the General Assembly had not concerned itself with the Guatemalan people since 1986, despite the serious

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human rights violations reported. She therefore appealed to the parties in conflict to resume dialogue and negotiation with a view to a political settlement of the conflict.

58. Stressing the role of the Mayan people in the struggle for life, dignity and peace, she called for a redoubling of efforts towards a future of peace for all the peoples of the world, whether indigenous or not.

AGENDA ITEM 110: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)
(A/C.3/48/L.9/Rev.2)

59. The CHAIRMAN said that Australia, Guyana, Israel and Paraguay should be added to the list of sponsors of the draft resolution, which had no programme budget implications, and that the French text of the ninth preambular paragraph of the draft would be brought into line with the English text, at the request of Morocco.

60. Mr. FERNANDEZ PALACIOS (Cuba) said that the original version of the draft resolution had not taken into account all aspects of the question of prevention of alien smuggling but that the text now being presented to the Committee for adoption was much more thorough and coherent. It was certainly not perfect or complete - it did not take all of Cuba's concerns into account, for example - but it was much more complex and, for that reason, accepted by a greater number of countries. He thanked the sponsors of the draft for their willingness to engage in a dialogue and welcomed the spirit of understanding and compromise that had prevailed while it was being prepared.

61. Mrs. ESPINOSA (Mexico) requested that the expression "alien smuggling" should be rendered in Spanish by the expression "tráfico indocumentado" throughout the draft.

62. Mrs. RAMIREZ (Panama) said that her delegation joined the consensus on the draft resolution, despite the fact that it did not agree with the eighth and tenth preambular paragraphs. The Panamanian Government felt that it alone should establish regulations for its merchant marine, and as far as alien smuggling was concerned, it intended to respect the relevant clauses of the conventions to which it was a party.

63. Mrs. CASTRO de BARISH (Costa Rica) congratulated the United States and Cuban delegations for the cooperation they had shown when preparing the draft, as well as the other delegations concerned, and said that Costa Rica wished to become a sponsor.

64. Draft resolution A/C.3/48/L.9/Rev.2 was adopted without a vote.

65. The CHAIRMAN thanked the United States and Cuban delegations for their positive approach in preparing the draft.

66. Mr. SYLVESTER (Belize) expressed appreciation for the efforts that had led to the preparation of the draft and for the consensus achieved. Belize fully shared the concerns expressed by many delegations regarding alien smuggling and had already clearly shown, in its bilateral relations with some of the sponsors of the draft, that it was firmly resolved to eliminate it. However, his delegation questioned the reference to national law in paragraphs 1 and 10 of the draft. It would have been preferable to condemn the practice of alien smuggling in the name of the principles of international law or the general principles of law. As drafted, paragraphs 1 and 10 might encourage States to adopt Draconian measures and thus punish individuals whom the general principles of law did not consider responsible. Furthermore, his delegation felt that paragraph 1 would have been much stronger if the phrase following the words "international and national law" had been placed in another paragraph.

67. Mrs. HORIUCHI (Japan) said that the draft drew the Committee's attention to a practice that dealt serious harm to States anxious to control immigration. It should therefore be borne in mind that the laws were violated not only by the aliens smuggled into countries, but also by those who allowed them to be smuggled into a country other than their own. Her delegation believed that all Member States should work towards ending clandestine immigration.

68. Mr. JAAFARI (Syrian Arab Republic) said he was pleased that a consensus had been reached regarding that text. His delegation wished, however, to point out that the expression "legal migration" used in paragraph 9 should not be used to justify equating migration with installation and the establishment of settlements, particularly in territories occupied by any Member State, and that the forced settlement of migrants in the occupied territories represented a violation of international law.

69. Mrs. LIMJUCO (Philippines) explained that, by becoming a sponsor of the draft, her country reaffirmed that it condemned alien smuggling and the inhuman practices which resulted from it, but did not condemn immigration in the true sense of the word.

70. Mrs. KABA (Côte d'Ivoire) commended the United States, Cuban and Moroccan delegations' efforts in drawing up the draft. Her delegation stressed that the struggle against clandestine immigration should not hamper legal immigration, and that it favoured a bilateral approach whenever problems of illegal immigration arose between two countries.

71. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 110.

AGENDA ITEM 113: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/C.3/48/L.21, L.23, L.24 and L.26-L.29)

Draft resolution A/C.3/48/L.21

72. The CHAIRMAN said that at the request of the sponsors who needed more time to put the final touches to the text, the Committee would take a decision on the draft at a later date.

Draft resolution A/C.3/48/L.23 and proposed amendments in document A/C.3/48/L.29

73. The CHAIRMAN announced that, as the parties had been able to reach an agreement, Armenia had withdrawn its amendments to draft resolution A/C.3/48/L.23. The new text would be circulated as document A/C.3/48/L.23/Rev.1, which would be introduced at the next meeting, at which time the Committee would take a decision on the draft.

Draft resolution A/C.3/48/L.24

74. The CHAIRMAN explained that draft resolution A/C.3/48/L.24, introduced by Argentina, had no programme budget implications.

75. Mrs. CASTRO de BARISH (Costa Rica) said that her country wished to join the sponsors of the draft resolution.

76. Draft resolution A/C.3/48/L.24 was adopted without a vote.

Draft resolution A/C.3/48/L.26

77. The CHAIRMAN said that the draft resolution had been introduced by Finland on behalf of the original sponsors and Afghanistan, Armenia, Belarus, Belgium, Botswana, Brazil, Chile, El Salvador, Guyana, Haiti, Malawi, Mozambique, Namibia, New Zealand, the Niger, Panama, Senegal, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom, the United Republic of Tanzania, the United States and Yemen.

78. When introducing the draft, the representative of Finland had orally revised it by inserting, after the sixth preambular paragraph, a new paragraph with the wording: "Also noting with satisfaction the participation of the Office of the High Commissioner for Refugees in the commemoration of the anniversary of the Cartagena Declaration and the Organization of African Unity Convention on Refugees"; in the tenth preambular paragraph, before the words "of asylum procedures", the words "by individuals"; at the end of paragraph 4, the words "to eligible persons"; after paragraph 12, a new paragraph reading: "Reaffirms the importance of incorporating environmental considerations into the programmes of the Office of the High Commissioner, especially in the least developed countries, in view of the impact on the environment of the large number of refugees and displaced persons of concern to the High Commissioner".

79. The CHAIRMAN explained that the draft resolution had no programme budget implications.

80. Mr. ARCANJO DO NACIMENTO (Angola) said he wished to add the name of his country to the list of sponsors of the draft resolution.

81. Draft resolution A/C.3/48/L.26, as orally revised, was adopted without a vote.

Draft resolution A/C.3/48/L.27

82. The CHAIRMAN said that the draft resolution, introduced by El Salvador on behalf of the original sponsors and Argentina, Belize, Chile, Colombia, Cuba, Ecuador, Finland, France, Greece, Guyana, Italy, Norway, Panama, Spain, Suriname and Sweden had no programme budget implications.

83. Mrs. THOMPSON (Jamaica) said that her country wished to co-sponsor the draft resolution.

84. Draft resolution A/C.3/48/L.27 was adopted without a vote.

Draft resolution A/C.3/48/L.28

85. The CHAIRMAN recalled that, when introducing the draft resolution on behalf of the Group of African States, the representative of Algeria had orally revised it in the following way: in the fourteenth preambular paragraph, the words "mechanism of prevention, management and repatriation of refugees" should be replaced by "mechanism for conflict prevention, management and resolution"; and the last line of the seventeenth preambular paragraph should be replaced by the words "social situation of Djibouti, which is already suffering from a prolonged drought and from the repercussions of the critical situation prevailing in the Horn of Africa". The French version of the nineteenth and twenty-fifth preambular paragraphs would be brought into line with the English text. The draft resolution had no programme budget implications.

86. Draft resolution A/C.3/48/L.28, as orally revised, was adopted without a vote.

87. Mrs. WADE (United States of America) said that her delegation had not participated in the adoption of the draft resolution since it thought that, as currently constituted, the draft inappropriately described the policies and practices of the various African Governments with regard to refugees and contained outdated language. For example, the draft neither mentioned new emergency situations in Africa, such as in Burundi and Togo, nor acknowledged the markedly changed situations in Mozambique and Liberia, where repatriation had already begun, or in South Africa, where it had almost reached an end. Moreover, it did not adequately call upon leaders of refugee-producing countries to eliminate immediately the conditions which were causing refugees and displaced persons.

The meeting rose at 12.15 p.m.